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C O N F I D E N T I A L CARACAS 001114

SIPDIS

NSC FOR TSHANNON AND CBARTON
USCINSO ALSO FOR POLAD
STATE PASS USAID FOR DCHA/OTI

E.O. 12958: DECL: 03/29/2014

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SUBJECT: CELLIST TELLS OF TORTURE AND FLUBBED INVESTIGATION

Classified By: Political Counselor Abelardo A. Arias for Reason 1.4(d)

Summary:

1. (C) National Guard troops detained Carlos Izcaray, first cellist with the National Symphony Orchestra, March 1 while he was observing demonstrations in Caracas. Guardsmen beat him, subjected him to electrical shocks, forced him to inhale tear gas in an enclosed space, and burned tear gas powder in his hair. On March 2, he was released and went to the hospital, where staff photographed his injuries. Izcaray filed a complaint with the Attorney General's Office (Fiscalia) on March 5, and was examined by a doctor from the GoV scientific investigative police (CICPC) on March 8. By March 17, the prosecutor assigned to his case, Danilo Jaimes, had not read Izcaray's statement, and did not have the photos of his injuries in the file. Izcaray's report to human rights NGO COFAVIC resulted in media coverage, but information the prosecutor's office has given the press is often false. Izcaray's case is another example of physical abuse at the hands of GoV security forces and the Attorney General Office's refusal or inability to properly document and investigate allegations of torture and human rights abuses. End Summary.

Surprise Detention

2. (SBU) During a meeting with poloff March 26, Carlos Izcaray described his mistreatment at the hands of National Guard troops and his subsequent efforts to report what happened and seek redress from GoV authorities. Izcaray, who is the First Cellist with Venezuela's National Symphony Orchestra, was observing demonstrations in Plaza Francia in Caracas on March 1. When the National Guard began detaining people, he did not run because he believed it was apparent he was not a demonstrator and therefore would not be seized. Troops threw Izcaray into a truck with about ten to fifteen other people, however, and took him to National Guard Station 51 in the capital's Paraiso district.

Torture with Guns, Helmets, Electricity and Gas

3. (SBU) During the night, guardsmen beat him repeatedly with guns and helmets, tortured him with electrical shocks, and forced him to inhale tear gas in an enclosed space. He alleges his attackers sprinkled tear gas power on his hair, lit it with a match, and let it burn for a few moments before blowing it out. He was also humiliated and insulted, and he believes he was singled out for especially bad treatment because his skin was lighter than the other detainees with him. He was released on March 2 after being warned not to tell anyone what happened if he wanted to live. He was immediately hospitalized until March 3. Hospital staff photographed his injuries.

4. (SBU) Izcaray went to the Attorney General's Office (Fiscalia) on March 5 to file an official complaint. Although he had heard prosecutors were refusing Human Rights reports, a friend advised that a "competent" prosecutor was on duty that day to receive the complaint and ensure that it was handled properly. Izcaray received a medical examination from forensic specialist from the GoV scientific investigative police (CICPC) on March 8. The CICPC doctor did not take any new photos, but accepted Izcaray's pictures taken at the hospital. Izcaray returned to the Attorney General's Office on March 17 with two witnesses to support his testimony. The prosecutor assigned to his case, Danilo Jaimes, did not ask what happened to him and had not read Izcaray's prior statement. In addition, Jaimes said the photos Izcaray left with the CICPC doctor were not in the prosecutor's file. Izcaray gave the prosecutor another set of the photos, but concluded that his case is not being taken seriously.

Reporting Abuse Outside GoV Circles

15. (SBU) Because of the death threat he received at the National Guard station, Izcaray agonized before finally deciding to report his experience to human rights NGO COFAVIC. Since he went to COFAVIC, his case has received significant media coverage, but information the prosecutor's office has given the media is often false. For example, although the prosecutor never contacted Izcaray about any additional medical examinations, he saw a newspaper article on March 26 in which the prosecutor claimed to have ordered another medical exam to determine the nature of his injuries.

Comment:

16. (C) Izcaray's case is another example of physical abuse at the hands of GoV security forces and the Attorney General Office's refusal or inability to properly document and investigate allegations of torture and human rights abuses. President Hugo Chavez and other GoV authorities have repeatedly declared in national broadcasts that no human rights complaints have been filed with police, and accused various international human rights NGOs of "conspiring" to push him from power in a coup d'etat. The courage of victims like Izcaray to report their stories will be key to inform the human rights community and set the GoV's record straight.

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